

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

J. CAIDOR

Plaintiff,

vs.

5:05-CV-297
(FJS/GJD)

MICHAEL HARRINGTON,
C. DEVITO, AND CITY OF SYRACUSE
Defendants.

J. CAIDOR, Plaintiff *Pro Se*
JOSEPH FRANCIS BERGH, Asst. Corporation Counsel for Defendants

PROTECTIVE ORDER

NOW, pursuant to Federal Rule of Civil Procedure 26(c), the following Protective Order is hereby issued to cover an Internal Affairs Division (“IAD”) file being ordered produced by the court (Dkt. No. 44) in the above captioned matter;

WHEREFORE it is hereby

ORDERED, that the IAD file being produced to plaintiff shall be **UTILIZED**
SOLELY FOR THE PURPOSES OF THIS ACTION AND FOR NO OTHER
PURPOSES; and it is further

ORDERED, that the parties shall treat the IAD file being produced as
“CONFIDENTIAL”; and it is further

ORDERED, that the plaintiff can only share the IAD file with plaintiff’s expert consultants and expert witnesses provided the plaintiff’s expert consultants and expert witnesses shall have signed a written agreement, attached to a copy of this

Protective Order, to be bound by the terms of this Protective Order, stating as follows: “The undersigned hereby acknowledges that he/she has read and understands this Protective Order and hereby agrees to be bound thereby.” A copy of each such executed agreement shall be retained by plaintiff. It is further

ORDERED, *that the IAD file being produced to the plaintiff pursuant to an order of the court shall not be disclosed by the plaintiff to any third party other than those third parties identified in this Protective Order*; and it is further

ORDERED, that at the trial of this action or at any hearing relating to this action before any judicial officer, a party may, subject to the rules of evidence and order of the court, use the IAD file, provided that counsel for the opposing party may at the time of such proposed use, move for an appropriate protective order, and, subject to the requirements of trial presentation, the parties will agree to any reasonable procedure to protect against public disclosure of the IAD file; and it is further

ORDERED, that if submitted to the court, the case report in the IAD file shall be submitted for filing under seal and shall be kept under seal except as the court shall direct otherwise. All other contents of the IAD file, including the police reports, notice of claim, and citizen complaint report do not have to be filed under seal; and it is further

ORDERED, that this Protective Order shall remain in full force and effect

until modified, superseded, or terminated by order of the court, and shall in any event survive the termination of this action; and it is further

ORDERED, that at the conclusion of this action, including all appeals, whether the action be settled, otherwise resolved prior to trial, or tried on the merits, plaintiff shall return to defendants all copies of the IAD file being produced by defendants herein, pursuant to an order of the court; and it is further

ORDERED, that the parties reserve their rights to seek modification of this Protective Order by application to the court for good cause shown at any time during the course of this civil action.

Date: January 29, 2008



Hon. Gustave J. DiBianco
U.S. Magistrate Judge